

**MINUTES**  
**WEST BOYLSTON CONSERVATION COMMISSION**  
**SEPTEMBER 12, 2016 MEETING**

**MEMBERS PRESENT:** William Chase (Chair), John Hadley (Vice-Chair), David Mercurio and Clerk Toby Goldstein. (Associate Member, David Eckhardt, had resigned as of August 31, 2016).

**MEMBERS ABSENT:** Mark Meola.

At 7:00 p.m., Mr. Hadley made a motion to open the meeting. Mr. Mercurio seconded. All in favor.

**Request for Certificate of Compliance, Bohler Engineering, for Cumberland Farms, 184 West Boylston Street, DEP File #327-0265:**

(Matt Mrva represented). The applicants had submitted to the Commission in August the letter and form requesting the Certificate of Compliance, as they asserted that they had completed their work, and the “as-built” plan, which they showed to the board members. Mr. Mrva added that he checked on the landscaping today. Mr. Chase asked him about a change in drainage on the “as-built” from what was previously planned. Mr. Mrva addressed this. Next, Mr. Mercurio asked where the runoff would empty out? Mr. Chase showed him where the water would drain out. Mr. Chase then informed Mr. Mrva that usually the board waits for four seasons before issuing a Certificate of Compliance, explaining that the growth will be green in the Spring. Mr. Mrva explained that Cumberland Farms is trying to get a bond released. Mr. Chase continued that usually they’ll issue the Certificate one year from completion, but by Spring there should be some green, indicating stability. Mr. Mercurio commented that it would be six months sooner than when they ordinarily would have done so. Mr. Hadley asked Mr. Chase if they will wait to issue at the first meeting in April? Mr. Chase said that they would, and asked for a motion to continue. Mr. Hadley moved to wait until the first meeting in April (April 3, 2017) to issue the Certificate of Compliance (or sooner, as soon as grass is growing). Mr. Mercurio seconded. All in favor.

**Minutes of August 1 Meeting and August 23 Special Meeting (at the site of proposed Police Station):**

After review of the minutes by the Concomm members, regarding the August 1 minutes, Mr. Hadley made a motion to approve the minutes as submitted. Mr. Mercurio seconded. All in favor.

Regarding the August 23 minutes, Mr. Hadley made a motion to accept the minutes as submitted. Mr. Mercurio seconded. All in favor.

**Update on Angell Brook O & M Plan, Certificate of Compliance, and Any Outstanding Issues by Angell Brook Board of Trustees:**

(Carlton Barstow and Phil Mallet of the Board of Trustees represented). Mr. Barstow had sent emails previously to the Commission, with attachments of the draft O and M plan and revised O and M plan. Mr. Barstow noted that the Board of Trustees made changes to what was on the plan because of what was actually at the site that differed from what was on the

plan. He showed the board the “as-built”, and added that he thought that Planning Board was all set regarding their requirements and issues. Mr. Barstow mentioned one thing that the engineer missed (which he opined was minor), which was a dam that was not on the drawing; he said that he did not want to add it, as long as it was alright with Planning Board. Mr. Chase responded that he would ask Vinny Vignaly (of Planning Board) to address that. Mr. Barstow showed the Commission members a letter on engineer’s letterhead and stamp, which the Concomm advised him at previous meetings that he needed to obtain to verify an engineer’s approval of the plans. Mr. Barstow informed the board that the Board of Trustees were scheduled to meet with Planning Board on Wednesday the 14<sup>th</sup> to seek a Certificate of Completion from them. Mr. Chase offered to write a letter for the Trustees, stating that the Concomm will issue the Certificate of Compliance at the October 3 meeting, but they cannot at this evening’s meeting, and Mr. Barstow can hand that letter to Planning Board. Mr. Mallet reiterated that the Commission will email a letter before Wednesday and will issue the Certificate of Compliance at their October meeting; he and Mr. Barstow were informed that they need to file a Request for Certificate of Compliance form, along with a \$70.00 fee, with the Conservation Commission.

**Request for Certificate of Compliance, Richard and Kathleen Kenneway, 220 Fairbanks Street, DEP File #327-0249:**

(Kathleen Kenneway represented). (Mr. Mercurio recused himself). The work on the septic system was completed several years previously and Mrs. Kenneway showed the Commission members paperwork from the Board of Health verifying this. Mr. Chase also had seen the property. After discussion, Mr. Hadley moved to issue the Certificate of Compliance. Mr. Chase seconded. All in favor.

**Update on Additional Driveway Work at Gerardo’s Bakery:**

(Gerardo Sarli and Julian Votruba represented). (They are looking to extend the driveway and create a separate entry and exit to the building). Mr. Votruba showed the board the plans of the site, pointing out that the brook that was found there was mapped. Mr. Chase explained that the flow goes across all the way to Scarlett Brook, and that this was all non-buildable area. Mr. Mercurio asked Mr. Votruba, if there is a tributary, isn’t there a 200-foot nonbuildable area? Mr. Votruba responded that it is a DEP Zone A, with surface water and drinking water, and no septs are allowed within 200 feet. Mr. Chase added that Gerardo does not want sewer work done. Mr. Votruba continued that there is a DCR sewer line through the property, but they will not let them connect to it, and they are having a public hearing this week. Showing the Commission a map, he explained that, in early Spring, on MDC/DCR property, there will be an offset channel. He pointed out where the originally-mapped property actually differed from what was actual and added that they built a retaining wall. Mr. Chase responded that the Town Administrator, Anita Scheipers, has a letter stating that. Mr. Votruba continued that they have a berm and grass in another area, and hope to pave, but will speak with the Commission first, adding that they will use “best practicable measures.” They propose a catch basin and will run some calculations but asserted that there is not enough room. Mr.

Hadley asked Mr. Votruba where the slope of the parking lot was located? Mr. Votruba showed him that on the map, as well as the aforementioned berm, and noted that runoff would go from the parking lot to the catch basin to the pond. He added that they must go to DCR as they will be in the 400-foot zone, but do not need to go to Planning Board. Mr. Mercurio asked Mr. Votruba about spill over from the detention pond? Mr. Votruba responded that there is, and showed him on the map. In response to a question from Mr. Mercurio about property belonging to DCR, Mr. Votruba responded that they will not be touching that. Mr. Votruba summarized that, regarding the open Order of Conditions, they assert that their proposed work will work out well for the parking lot, and also that this will be the end of the work. Mr. Chase asked him if they want to extend or amend the Order of Conditions already in place? He noted that they must specify where they will work. Mr. Chase said that he would rather that they use asphalt for the extended driveway, as it controls flow, and Mr. Votruba agreed. Mr. Votruba asserted that Concomm is the approving authority; DCR has regulations, but they cannot make work what DCR wants, and there will be protection of the river; he added that no work is proposed in the river area except an area that he pointed out on the map.

With no further questions or comments, Mr. Hadley made a motion to amend the previously filed plan to extend this part of the plan, Job Number 1056-14, dated September 11, 2016. Mr. Mercurio seconded. All in favor.

**Update on Request for Amended Order of Conditions, Edward Baldarelli, Route 12, DEP File #327-0236:**

(John Farnsworth and Ed Baldarelli represented). Mr. Farnsworth told the Commission members that they had a MEPA meeting, with MEPA, Nancy McGrath of DCR, MA DOT, and Judy Schmitz of DEP. He noted that he had until this coming Friday to give MEPA the rest of the information that they required. He said that some hydraulic analyses needed to be done, explaining that water must go around if not through the work area. Mr. Farnsworth added that they were debating on whether to have press pipes in the channel or put them on the bottom. He explained that they have two types of culverts to install, with the type of culvert being affected by how the access road comes into the property. He mentioned that there are four types of disturbance with a box culvert. Mr. Farnsworth added that Judy Schmitz was concerned that she did not have paperwork for the Amended and Extended Orders of Conditions that were discussed at the August Concomm meeting, and noted that they have until December for another public hearing. Mr. Farnsworth said that he needed the paperwork as soon as possible, and noted the only change needed on the Order of Conditions.

With no further discussion or comments, Mr. Hadley made a motion to Amend the Order of Conditions and Extend it to two years from today (September 12, 2018), DEP File #327-0236. Mr. Mercurio seconded. All in favor.

**Reorganization of Concomm Board:**

Mr. Chase was unanimously re-elected Chair for another one-year term, and Mr. Hadley and Mr. Mercurio each elected as Vice-Chairs (re-election for Mr. Hadley), also for one-year terms.

9/12/16, p. 4

With no further business to discuss, Mr. Hadley moved to adjourn the meeting at 7:50 p.m. Mr. Mercurio seconded. All in favor.

Submitted by: \_\_\_\_\_  
Date accepted: \_\_\_\_\_